

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BLUMS OF BOCA,)	DOCKET NO. 900721-TL
INC. against SOUTHERN BELL TELEPHONE)	
AND TELEGRAPH COMPANY regarding)	ORDER NO. 23684
alleged unauthorized "LEAKY PBX")	
charges)	ISSUED: 10-25-90
)	

ORDER GRANTING IN PART AND DENYING IN PART
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION

On August 22, 1990, Blums of Boca, Inc. filed a complaint against Southern Bell Telephone and Telegraph Company (Southern Bell) demanding reimbursement of \$4,281.51 in "Leaky PBX" charges. On September 18, 1989, Southern Bell filed a Motion for Extension of Time to respond to the complaint. On October 8, 1990, Southern Bell filed a Motion to Dismiss and Response to Blums of Boca's complaint. Attachment "A" of this Response was one page of a computer generated list of Southern Bell PBX customers including Blums of Boca. This list was used for computer generated "Leaky PBX" billing notices which were required by this Commission prior to the assessment of such charges.

Southern Bell mistakenly failed to delete the customer specific information on that page which concerns customers other than Blums of Boca. The information is not relevant and should not have been submitted in this docket. For Southern Bell now to request specified confidential classification for the superfluous material places a substantial and unwarranted procedural burden upon this Commission. The problem is exacerbated by Southern Bell's defective request for specified confidential classification which fails to enumerate the specific lines for which the classification is claimed.

Historically, this Commission has granted customer specific information specified confidential classification. The classification is appropriate in this case. This is consistent with Section 119.07(x), Florida Statutes. However, Southern Bell's Request seeks specified confidential classification for the entire list. The information on the line concerning Blums of Boca is pivotal in the issue before the Commission and should be part of the public record in this case.

Therefore, based on the foregoing, it is

DOCUMENT NUMBER-DATE

09596 OCT 25 1990

FPSC-RECORDS/REPORTING

ORDER NO. 23684
DOCKET NO. 900721-TL
PAGE 2

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that all parts of Attachment "A" of Southern Bell Telephone and Telegraph Company's Motion to Dismiss and Response to Blum's of Boca, Inc.'s complaint is granted specified confidential classification with the exception of the line pertaining Blums of Boca, Inc.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 25th day of OCTOBER, 1990.


THOMAS M. BEARD, Commissioner
as Prehearing Officer

(S E A L)

CWM/TH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration from the full Commission within 14 days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on

ORDER NO. 23684
DOCKET NO. 900721-TL
PAGE 3

confidentiality issued by a Prehearing Officer; 2) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.